

:

:

:

:

:

:

:

:

:

:

:

:

:

:

As a matter of law and logic, Rhode Island voters could not and did not knowingly

approve a new type of gambling – sports betting – that was neither referenced in the questions nor handbooks. It was not on the ballot for good reason – until 2018, state operated sports betting in Rhode Island (and almost all other states) would have been *illegal under federal law*. In short, it is beyond peradventure that Rhode Island voters have *never* made the free, intelligent and informed decision to approve sports betting that the Constitution requires.

The issue of unconstitutional sports betting in Rhode Island is one of significant public importance and the express constitutional right of every Rhode Islander to vote on any new type of gambling is properly decided by this Court in this case. The conduct of State operated sports betting in Tiverton and Lincoln violates the express constitutional requirement of voter approval and must be declared unconstitutional and enjoined until and unless the voters of Rhode Island approve sports gambling at duly authorized statewide and local elections.

The same applies to the 2019 online sports betting legislation (passed into law but not yet implemented). The ability to place bets from any smart phone, tablet or computer from any community in the State is yet another new type of gambling requiring voter approval. The flawed logic claiming its constitutionality would allow a virtual casino to include all casino gambling open for play anywhere at anytime everywhere in the State with no public vote.

PARTIES AND JURISDICTION

1. Plaintiff Daniel S. Harrop is a resident of Portsmouth, Rhode Island and a registered voter.

2. Defendant, the Rhode Island Division of Lottery is a division of State government located in the Department of Administration. It is authorized by statute to oversee sports betting and mobile sports betting.

3. Defendant Department of Administration is a department of State government responsible for the Lottery Commission.

4. Defendant Robert Hull is the Director of the Department of Administration and is sued in his official capacity.

5. Jurisdiction lies with the Superior Court under R.I. Gen. Laws § 9-30-1 *et seq.*

6. Venue is proper in Providence County Superior Court under R.I. Gen. Laws § 9-4-3 and this matter is properly before the Business Calendar.

THE CONSTITUTIONAL MANDATE

7. In 1981, the General Assembly enacted R.I. Gen. Laws § 41-9-4, which applied to the establishment of new gambling facilities and activities. It provided in relevant part:

Town and state election on establishment of facility. -- Before a gambling facility shall be established in any town or city, the town council of the town or the city council of the city shall pose * * * [and the State shall pose] the following question: 'Shall a gambling facility and/or activity be established in the town (or city) of ?

8. In the 1992 State budget, the Governor and General Assembly authorized a new type of gambling – State operated video lottery terminals – at facilities in both Lincoln and Newport without voter approval. To do so, the budget simply overrode and made inapplicable R.I. Gen. Laws § 41-9-4, which would have required a statewide and public vote in Lincoln and Newport.

9. To prevent additional new types of gambling from legislative authorization

without local and statewide approval, in 1994 voters overwhelmingly passed an amendment to the Rhode Island Constitution mandating that the people – not the politicians – have the final say on any act “expanding the *types* or locations of *gambling*” permitted in Rhode Island or in any city or town or “expanding municipalities in which a *particular form of gambling* is authorized.” (Emphasis added).

10. The amendment is contained within in Article 6, entitled “Of The Legislative Power,” the first section of which provides that: “This Constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void.”

11. The 1994 amendment itself is contained in Article 6, Section 22, and provides that:

Section 22. Restriction of gambling.

No act expanding the types or locations of gambling which are permitted within the state or within any city or town therein or expanding municipalities in which a particular form of gambling is authorized shall take effect until it has been approved by the majority of those electors voting in a statewide referendum and by the majority of those electors voting in said referendum in the municipality in which the proposed gambling would be allowed.

12. In 2014. Article 6, Section 22 was strengthened by prohibiting even moving gambling locations within a municipality without voter approval. It did so by adding to the end of Article 6, Section 22:

and, having been so approved in said referendum in any city or town on or after November 4, 2014, the location where the gambling is permitted in any city or town shall not be changed within said city or town without approval of the majority of those electors voting on said proposed change in a referendum in said city or town.

13. The mandate of Article 6, Section 22 of the Rhode Island Constitution is clear and explicit. Any expansion in the “*type* of gambling” or “*particular form* of gambling”

contained in legislation “shall [not] take effect” unless and until the people of Rhode Island have voted in a statewide election and local voters have also approved of that new type and particular form of gambling. (Emphasis added).

*THE ACTS EXPANDING THE TYPES OF GAMBLING TO INCLUDE
VIDEO LOTTERIES (TIVERTON) AND TABLE GAMES*

14. As of 2011, the existing two State operated casinos housed only video lottery terminals, Twin River Casino in Newport and Twin River Casino in Lincoln.

15. In 2011, the State wished to add table games to those casinos such that they included the types of gambling played at out of state casinos. As such, the State passed legislation amending R.I. Gen. Laws § 42-61.2-1 *et seq.* entitled “Video Lottery Terminal” to expressly add “table game[s]” or “table gaming,” to the type of gambling allowed the Twin River casino in Lincoln. It defined said gaming, in relevant part as, “that *type* of casino gaming in which table games are played for cash or chips . . . using cards, dice, or equipment and conducted by one or more live persons.” (Emphasis added).

16. After the amendment, Chapter 61.2 was entitled “Video Lottery Terminals and Table Games.” (the “2011 Act”).

17. The amended Chapter 61.2, added a provision for “table game regulation in section 3.1. There was no provision in the 2011 Act for regulation of sports betting.

18. There was no mention anywhere in the 2011 Act of any additional types of gambling authorized by the Act.

19. There was no mention anywhere in the 2011 Act of sports betting as an additional type of gambling authorized by the Act.

20. Indeed, because of a federal law in full force and effect until 2018, it would have been unlawful for the State to permit or authorize sports betting in the 2011 Act.

21. Sports betting is a type of gambling different than video lotteries or table games.

22. Video lotteries are pure games of chance. They are pure lotteries with no skill involved. There are no external players or teams outside the casino whose skill level affects the outcome of the game.

23. Table games are largely games of chance, that the Rhode Island Supreme Court has determined constitute lotteries. There are no external players or teams outside the casino whose skill level affects the outcome of the game.

24. The odds of winning at video lotteries and table games are determined intrinsic to the games themselves inside the casino – not by the performance of individuals or teams at events outside the casinos.

25. Sports betting is a different type of gambling. The outcome is not determined by machines or cards or any device inside the casino. Instead, it is instead determined by the performance and skill of external players and teams outside the casino engaging in sporting events.

26. The odds of winning a sports bet are based upon the performance of human players and teams outside of the casino, and change based upon how those athletes perform or not perform at sporting events.

27. The United States Congress recognized that sports gambling is a very different type of gambling by passing the Professional and Amateur Sports Protection Act, 28 U.S.C. 3701 *et seq.* in 1992. That law made illegal (until struck down by the United States

Supreme Court in 2018) state operation or authorization of sports betting. No other type of gambling was subject to a similar prohibition.

28. Likewise, the National Indian Gaming Commission, in promulgating a regulation concerning the types of gambling that constitute “Class III gaming” under the Indian Gaming Regulatory Act, identified sports betting as a separate form or type of gaming, different than table games, and slot machines, such as video lotteries.

29. In addition to the authorization of table games, the 2011 Act also purported to authorize “casino gaming,” which it defined as “any and all table and casino-style games played with cards, dice, or equipment, for money, credit, or any representative of value; including, but not limited to, roulette, blackjack, big six, craps, poker, baccarat, paigow, any banking or percentage game, *or any other game of device included within the definition of Class III gaming as that term is defined in Section 2703(8) of Title 25 of the United States Code* and that is approved by the state through the division of state lottery.” (Emphasis added).

30. It is this mention of “Class III gaming” that is the sole basis upon which Defendants contend that the new type of gambling in the form of sports betting was knowingly approved by Rhode Island voters.

31. “Class III gaming” is a term used in the Indian Gaming Regulatory Act (“IGRA”) passed by Congress in 1988 and contained in federal law.

32. The Indian Gaming Regulatory Act does not apply to any Indian Tribes in Rhode Island and has no applicability to Rhode Island.

33. No definition of “Class III gaming” was provided in the 2011 Act.

34. Under federal law, “Class III gaming” is *not* a type of gambling; rather – as it

says – it is an entire *class* of gambling that includes nearly every type of gambling.

35. Section 2703(8) of Title 25 of the United States Code does not specifically define Class III gaming at all; rather, Section 2703(8) says it “means all forms of gaming that are not class I gaming or class II gaming.”

36. Class I gaming is defined as “social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.” Class II gaming is defined as the “game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith).” It also includes non-banked card games.

37. Nowhere in the federal law referenced by the 2011 Act – Section 2703(8) of Title 25 – is there any reference to sports wagering or sports betting – nor is there any reference to any regulation further defining “Class III gaming.”

38. The only reference to sports betting is contained in a separate regulation – promulgated by the National Indian Gaming Commission (“NIGC”) – that is neither contained nor referenced in the federal statutory section contained in the 2011 Act.

39. In the Code of Federal Regulations at 25 CFR 502.4, the NIGC promulgated a regulation that defined types or forms of gambling included as “Class III gaming.”

40. Included as different types or forms of Class III gaming in 25 CFR 502.4 are house banking games, which in Rhode Island are called table games. Also listed are slot machines, which in Rhode Island are called video lottery terminals. “Sports betting” is also listed as a different form or type of gambling.

41. Unlike table games and video lotteries, sports betting has never been on the ballot for either Twin River Lincoln or Twin River Tiverton.

42. Pursuant to Article 6, Section 22 of the Constitution, the 2011 Act required approval by voters in both Lincoln and statewide for the next general election in 2012.

43. The 2011 Act also required approval by voters in both Newport and statewide for the next general election in 2012.

44. Voter approval occurred statewide for both facilities, and was received in Lincoln. Voter approval failed in Newport.

45. Voters again rejected expanding gambling at Twin River Newport in 2014.

...

46. In light of the Newport failure, in 2016 Twin River decided to move its state-operated gambling facility from Newport to a new facility in Tiverton.

47. As such, the State passed legislation again amending R.I. Gen. Laws § 42-61.2-1 *et seq.* entitled “Video Lottery Terminal and Table Games,” (the “2016 Act”), this time to expressly add two types of gambling – “video lottery games” and “table games” – to the soon to be constructed Twin River Tiverton casino.

48. In so doing, both Twin River casino facilities would feature traditional casino gaming; namely, slots or video lottery terminals coupled with table games.

49. In addition to the authorization of video lotteries and table games, the 2016 Act also purported to authorize “casino gaming” defining it exactly as it did in the 2011 Act.

50. Like the 2011 Act there was no mention anywhere in the 2016 Act of any additional types or forms of gambling authorized by the Act.

51. Like the 2011 Act, there was no mention anywhere in the 2016 Act of sports wagering as an additional type of gambling authorized by the Act.

52. Indeed, because of a federal law in full force and effect – the Professional and Amateur Sports Protection Act, 28 U.S.C. 3701 *et seq.* – until struck down by the United States Supreme Court in 2018, it would have been unlawful for the State to “operate” or “authorize” sports betting in the 2011 Act or 2016 Act.

THE SPORTS BETTING BEREFT REFERENDA OF 2012 AND 2016

53. To comply with Article 6, Section 22 of the Rhode Island Constitution, both the 2011 and 2016 Acts required any “new type” or “particular form” of gambling contained therein to be approved by the voters both in Lincoln (2012) and Tiverton (2016).

54. The 2012 referendum for Twin River Lincoln provided:

Shall an act be approved which would authorize the facility known as “Twin River” in the town of Lincoln to add state-operated casino gaming, such as table games, to the type of gambling it offers?

55. Twin River Lincoln already housed video lottery machines. Approval of the question added table games as a new type of gambling.

56. There was no mention in the 2012 referendum of sports betting or any additional type of gambling.

57. In addition to the authorization of table games, the 2012 referendum also purported to authorize “casino gaming.”

58. There was no definition of casino gaming contained in the 2012 referendum question.

59. The 2012 voter information handbook defined “casino gaming” as:
any and all table and casino-style games played with cards, dice or

equipment, for money, credit, or any representative of value; including, but not limited to roulette, blackjack, big six, craps, poker, baccarat, pai gow, any banking or percentage game, or any other game or device included within the definition of Class III gaming as that term is defined in Section 2703(8) of Title 25 of the United States Code and which is approved by the State of Rhode Island through the Lottery Division.

60. It is this mention of “Class III gaming” in the handbook (not the question) that is the *sole basis* upon which Defendants contend that the new type of gambling known as sports betting was knowingly approved by Rhode Island voters in 2012 for Twin River Newport.

61. No definition of “Class III gaming” was provided in the 2012 referendum or voter information booklet.

62. “Class III gaming” is a term used in the IGRA, passed by Congress in 1988 and contained in federal law. The IGRA does not apply to Rhode Island.

63. Under federal law, “Class III gaming” is *not* a type of gambling; rather – as it says – it is an entire *class* of gambling that includes nearly every type of gambling.

64. Section 2703(8) of Title 25 of the United States Code does not specifically define Class III gaming at all; rather, Section 2703(8) says it “means all forms of gaming that are not class I gaming or class II gaming.”

65. Class I gaming is defined as “social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.” Class II gaming is defined as the “game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith).” It also includes non-banked card games.

66. Nowhere in the federal law referenced in the voter information handbook for

the 2012 referendum – Section 2703(8) of Title 25 – is there any reference to sports wagering or sports betting – nor is there any reference to any regulation further defining “Class III gaming.”

67. The only reference to sports betting is contained in a separate regulation – promulgated by the National Indian Gaming Commission (“NIGC”) – that is neither contained nor referenced in the federal statutory section mentioned in the 2012 voter information handbook.

68. In the Code of Federal Regulations at 25 CFR 502.4, the NIGC promulgated a regulation that defined the types or forms of gambling included as Class III.

69. One type or form of gambling identified as Class III are house banking games, which in Rhode Island are called table games; another type of gambling identified as Class III are slot machines, which in Rhode Island are called video lottery terminals; and another form of gambling identified by regulation as Class III is “sports betting.” Another type or form of Class III gambling identified are “lotteries.”

70. State-operated lotteries were constitutionally authorized in 1973; video lotteries were authorized at Twin River Lincoln prior to passage of Article 6, Section 22 in 1994; and the 2012 referendum expressly authorized table games.

71. Thus, after the 2012 referendum, the only form or type of gambling never on a ballot for approval in Rhode Island was sports betting.

72. The 2012 referendum passed without “sports betting” on the ballot as a new type of gambling.

73. Twin River Lincoln thereafter added table games to its casino. It did not add sports betting until six years later in 2018.

74. Although illegal under federal law at the time of the 2012 referendum, Defendants claim sports betting was somehow pre-approved in that referendum.

75. In 2016 (after the 2012 and 2014 failure of Twin River Newport for table game approval alongside existing video lottery terminals) the legislature placed the question of expansion of gambling to a not yet constructed site at Twin River Tiverton on the ballot following its passage of the 2016 Act.

76. The 2016 Twin River Tiverton referendum read:

Shall an act be approved which would authorize a facility owned by Twin-River Tiverton, LLC, located in the Town of Tiverton at the intersection of William S. Canning Boulevard and Stafford Road, to be licensed as a pari-mutuel facility and offer state-operated video lottery games and state-operated casino gaming, such as table games?

77. The two types of gambling on the ballot were the video lottery games and table games that already existed at the Twin River Lincoln casino.

78. There was no mention in the 2016 referendum of sports betting or any additional type of gambling.

79. In addition to the authorization of table games, the 2012 referendum also purported to authorize “casino gaming.”

80. There was no definition of casino gaming contained in the 2012 referendum question.

81. The definition of “casino gaming” was contained in the 2016 voter information handbook as:

any and all table and casino-style games played with cards, dice or equipment, for money, credit, or any representative of value; including, but not limited to roulette, blackjack, big six, craps, poker, baccarat, pai gow, any banking or percentage game, or any other game or device included within the definition of Class III gaming as that term is defined in Section

2703(8) of Title 25 of the United States Code and which is approved by the State of Rhode Island through the Lottery Division.

82. It is this mention of “Class III” gaming in the handbook (not the question) that is the sole basis upon which Defendants contend that the new type of gambling known as sports betting was knowingly approved by Rhode Island voters in 2016 for Twin River Tiverton.

83. No definition of “Class III gaming” was provided in the 2012 referendum or voter information booklet.

84. “Class III gaming” is a term used in the IGRA, passed by Congress in 1988 and contained in federal law. The IGRA does not apply to Rhode Island.

85. Under federal law, “Class III” gaming is *not* a type of gambling; rather – as it says – it is an entire *class* of gambling that includes nearly every type of gambling.

86. Section 2703(8) of Title 25 of the United States Code does not specifically define Class III gaming at all; rather, Section 2703(8) says it “means all forms of gaming that are not class I gaming or class II gaming.”

87. Class I gaming is defined as “social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.” Class II gaming is defined as the “game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith).” It also includes non-banked card games.

88. Nowhere in the federal law referenced in the voter information handbook for the 2016 referendum – Section 2703(8) of Title 25 – is there any reference to sports wagering or sports betting – nor is there any reference to any regulation further defining

“Class III” gaming.

89. The only reference to sports betting is contained in a separate regulation – promulgated by the National Indian Gaming Commission (“NIGC”) – that is neither contained nor referenced in the federal statutory section referenced in the 2016 voter information handbook.

90. In the Code of Federal Regulations at 25 CFR 502.4, the NIGC promulgated a regulation that defined the types or forms of gambling included as Class III.

91. One type or form of gambling identified as Class III are house banking games, which in Rhode Island are called table games; another type of gambling identified as Class III are slot machines, which in Rhode Island are called video lottery terminals; and another form of gambling identified by regulation as Class III is “sports betting.” Another type or form of Class III gambling identified are “lotteries.”

92. State-operated lotteries were constitutionally authorized in 1973; and the 2016 referendum expressly authorized video lotteries and table games at Twin River Tiverton.

93. Thus, after the 2016 referendum, the only form or type of gambling never on a ballot for approval in Rhode Island was sports betting.

94. The 2016 referendum passed without “sports betting” on the ballot as a new type of gambling.

95. The Twin River Tiverton casino thereafter opened in September 2018 featuring video lottery terminals and table games (just like Twin River Lincoln), but did not add sports betting until two years later in 2018.

96. Although illegal under federal law at the time of the 2016 referendum,

Defendants claim sports betting was pre-approved in that referendum.

THE NON-VOTER APPROVED SPORTS BETTING LEGISLATION OF 2018 AND 2019

97. In 2018, the United States Supreme Court struck down the 1992 Professional and Amateur Sports Protection Act, 28 U.S.C. 3701 *et seq.*, which made it unlawful for the State to “operate” or “authorize” sports betting in the 2012 or 2016 referenda questions.

98. After that Opinion, in 2018 the State passed legislation amending R.I. Gen. Laws § 42-61.2- 1 *et seq.* to authorize “sports wagering” in addition to “video lottery games” and “table games.”

99. This act of the General Assembly was necessary in 2018 to authorize a new type of gambling in the form of sports betting, yet approval of that act was not sent to the voters to comply with Article 6, Section 22. Instead, it was argued that sports betting was somehow pre-approved by Rhode Island voters in 2012 and 2016, prior to approval by the legislature in 2018. That is not, however, how the constitutional mandate works.

100. Prior to passage, the Governor, the then-Attorney General and the General Assembly leadership were made aware of the position that – unlike video lotteries and table games – sports betting was never approved by Rhode Island voters, and that the question of the 2018 sports betting act’s approval should go on the November 2018 ballot – or an advisory opinion should be requested of the Rhode Island Supreme Court on the constitutionality of the sports betting act.

101. The advice was rejected. Sports betting commenced at Twin River Lincoln on or about November 29, 2018 and at Twin River Tiverton soon thereafter.

102. In 2019, the State passed legislation that authorized online sports betting at both casinos. The legislation would allow 24/7 betting on sporting events from any mobile phone or device or computer located in any Rhode Island municipality.

103. On March 26, 2019, the Governor signed the mobile sports betting legislation into law. Online sports wagering has not yet commenced at either casino. It is estimated that up to 80% of all sports wagering revenue to the State would come from online sports betting, as opposed to in-casino betting.

COUNT I

Violation of R.I. Const. Art 6, Sec.22

Operation of New Type of Gambling – Sports Betting – Without Voter Approval

104. Plaintiff incorporates as if set forth fully herein paragraphs 1-103 of this Complaint.

105. Article 6, Section 22 requires that any “new type” or “particular form” of gambling “shall [not] take effect” until approved by referendum statewide and locally.

106. The referendum question and voter information handbook must fairly and accurately notify voters of the new type or types of gambling to be approved or disapproved to ensure a free, intelligent and informed decision by Rhode Island.

107. Sports betting is a new type and particular form of gambling under Article 6, Section 22 of the Rhode Island Constitution.

108. The referendum questions and voter handbooks did fairly and accurately present to voters the question of approval of two new types of gambling – table games (2012) and video lottery games (2012 and 2016).

109. There was no fair notice that sports betting was also somehow being

approved in 2012 or 2016 – because it was both illegal under federal law and it appeared nowhere in the question or the voter information handbook.

110. Rhode Island voters could not have knowingly approved sports betting by referenda in 2012 or 2016 because federal law made that type of gambling illegal in Rhode Island.

111. Plaintiff asserts and wishes to exercise his express constitutional right to vote for or against any “new type” or “particular form” of gambling – in this case sports betting.

112. Plaintiff, and all voters, have been denied their constitutional right to vote by the implementation by the State of sports betting at Twin River Lincoln and Tiverton without voter approval.

113. State-operated sports betting violates Article 6, Section 22 of the Rhode Island Constitution.

COUNT II

Violation of R.I. Const. Art 6, Sec.22

Implementation of New Type of Gambling – Online Sports Betting – Without Voter Approval

114. Plaintiff incorporates as if set forth fully herein paragraphs 1-113 of this Complaint.

115. Article 6, Section 22 requires that any “new type” or “particular form” of gambling “shall [not] take effect” until approved by referendum statewide and locally.

116. The referendum question and voter information handbook must fairly and accurately present the new type or types of gambling to be approved or disapproved to ensure a free, intelligent and informed decision by Rhode Island voters.

117. Online sports betting is a new type and particular form of gambling under Article 6, Section 22 of the Rhode Island Constitution.

118. The referendum questions and voter handbooks did fairly and accurately present to voters the question of approval of two new types of gambling – table games (2012) and video lottery games (2012 and 2016).

119. There was no fair notice that online sports betting was also somehow being approved in 2012 or 2016 – because it was both illegal under federal law and it appeared nowhere in the question or the voter information handbook.

120. Plaintiff asserts and wishes to exercise his express constitutional right to vote for or against any “new type” or “particular form” of gambling – in this case online sports betting.

121. Plaintiff, and all voters, have been denied their constitutional right to vote by the State’s approval of and future implementation of online sports betting anywhere in the State at anytime 24/7 without voter approval.

122. Online sports betting is a new type of gambling under Article 6, Section 22 of the Rhode Island Constitution.

123. Unlike video lotteries and table games, online sports betting appeared nowhere on the ballot in the 2012 and 2016 referenda. Online sports betting appeared nowhere in the voter information booklets.

124. Voters did not have fair notice that online sports betting – or any other online as opposed to in-person gambling – was somehow approved in either referenda.

125. Plaintiff asserts and wishes to exercise his express constitutional right to vote for or against any “new type” or “particular form” of gambling – in this case online sports

betting.

126. Plaintiff, and all voters, have been denied their constitutional right to vote by the newly-authorized implementation by the State of sports betting from mobile devices or computer anywhere in Rhode Island at any time without the need to physically place a bet at Twin River Lincoln or Twin River Tiverton.

127. State-operated online sports betting violates Article 6, Section 22 of the Rhode Island Constitution.

COUNT III

Declaratory Judgement – R.I. Gen. Laws § 9-30-1 et seq.

128. Plaintiff incorporates as if set forth fully herein paragraphs 1-127 of this Complaint.

129. Plaintiff contends that the sports betting at Twin River Casinos in Lincoln and Tiverton authorized by legislation has not been approved by Rhode Island voters as required by Article 6, Section 22 of the Rhode Island Constitution.

130. Defendants contend that sports betting at Twin River Casinos in Lincoln and Tiverton authorized by legislation was approved by Rhode Island voters in 2012 (Lincoln) and 2016 (Tiverton) as required by Article 6, Section 22 of the Rhode Island Constitution.

131. Plaintiff contends that online sports betting sports betting from anywhere in the State authorized by legislation was never approved by Rhode Island voters as required by Article 6, Section 22 of the Rhode Island Constitution.

132. Defendants contend that online sports betting from anywhere in the State authorized by legislation was approved by Rhode Island voters in 2012 (Lincoln) and 2016

(Tiverton) as required by Article 6, Section 22 of the Rhode Island Constitution.

133. As such, a real and actual controversy exists under R.I. Gen. Laws § 9-30-1 *et seq.* to allow this Court to declare whether the legal position of Plaintiff or Defendants is correct.

WHEREFORE, Plaintiff requests the following relief:

1. A ruling that sports wagering authorized by R.I. Gen Laws § 42-61.2-2.4 in 2018 and presently conducted at Twin River Lincoln And Twin River Tiverton has not been approved voters as mandated by Article 6, Section 22 of the Rhode Island Constitution.

2. A ruling that online sports wagering authorized by R.I. Gen Laws § 42-61.2-2.4 on March 29, 2019 has not been approved by voters as mandated by Article 6, Section 22 of the Rhode Island Constitution.

3. A declaration that sports wagering authorized by R.I. Gen Laws § 42-61.2-2.4 in 2018 and presently conducted at Twin River Lincoln And Twin River Tiverton violates Article 6, Section 22 of the Rhode Island Constitution as there was no voter approval thereof.

4. A declaration that amendments to R.I. Gen Laws § 42-61.2-2.4 enacted on March 29, 2019 to authorize online sports wagering violates Article 6, Section 22 of the Rhode Island Constitution as there was no voter approval thereof.

5. A grant of preliminary and permanent injunctive relief prohibiting the continued operation of sports wagering until and unless that type of gambling has been approved by the voters in accordance Section 6, Article 22 of the Rhode Island Constitution.

6. A grant of preliminary and permanent injunctive relief prohibiting the operation

of online sports betting until and unless that type of gambling has been approved by the voters in accordance Section 6, Article 22 of the Rhode Island Constitution.

7. An award of attorney fees and court costs to Plaintiff.
8. Any and all such other relief that this Court deems just and proper.

Daniel S. Harrop,

By his Attorneys,

Joseph S. Larisa, Jr.

Joseph S. Larisa, Jr. (#4113)
LARISA LAW, LLC
50 South Main Street, Suite 311
Providence, RI 02903
(401) 743-4700
(401) 633-6296 (fax)
joe@larisalaw.com

Brandon S. Bell

Brandon S. Bell (# 5871)
FONTAINE BELL, LLP
One Davol Square, PH
Providence, RI 02903
(401) 274-8800
(401) 274-8880 (fax)
bbell@fontainebell.com

DATED: May 1, 2019